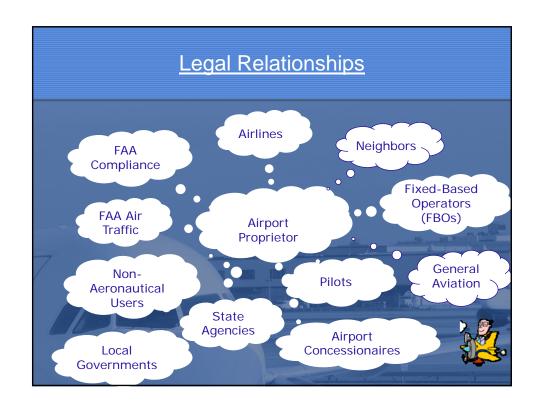


Key Areas Covered In Presentation

- General Nature of Airports
- Airport Governance and Control
- Airport Financing
- Airport Operations
- Airport Noise Issues
- Local Zoning and Land Use Regulation of Airports
- Airport Security
- Airport Environmental Issues
- Miscellaneous Airport Legal Issues
- Airport Lawyer Resources

Sources of Airport Law

- Federal Law
 - Title 49
 - Federal Regulations
 - Title 14 C.F.R. (FAA, TSA)
 - Title 49 C.F.R. (DOT)
 - FAA Orders and Policies
 - FAA Advisory Circulars
 - FAA and TSA Manuals, Handbooks & Guidance Letter
- State and Local Law Texas Transportation Code
 - Chapter 22
 - Special Legislation (Origin of DFW International Airport
- Local Government Ordinances, Rules, Regulations, Orders, Minimum Standards



Federal Control

- Exclusive
 - Airspace
 - Aircraft and Pilot Certification
 - Aircraft Noise Standards
- Shared (With State and Local Jurisdictions)
 - Regulation of Airports
 - Regulation of Aircraft Operations
 - Airport Noise Abatement and Mitigation
- Key Sources of Federal Control
 - Statutes
 - Federal Regulations (Including FARs)
 - Grant Assurances
 - Airport Operating Certificates
 - Conditions of Project Approvals
 - Deed Restrictions

<u>Chapter 22 of the Texas Transportation Code – County and Municipal Airports</u>

- General Powers Regarding Airports
- Financing of Airport Facilities
- Airport Operations
- Airport Contracts and Leases
- Noise Abatement
- Joint Operations
- Airport Security Officers
- Acquisitions and Disposal of Property

Local Governance of Airports

- State, County or City
- Department or Separate Authority
- Single or Multiple Jurisdictions
- Single Airport or Airport System
- Operator: Government or Private Entity

State and Local Control

- Airport Ordinances
- Zoning and Land Use
- Building Codes
- Criminal Laws
- Environmental Laws/Rules and Regulations
- Financial
 - Government Services, Taxes and Impact Fees
 - Non-Aeronautical Rates and Charges
- Regulation of Surrounding Land Use
- Airport Rules and Regulations
- Airport Minimum Standards

Airport Financing Closed Fiscal System

- Airport Revenue Can Only Be Used For Airport-Related Purposes
- Airport Must Strive To Be Self-Sustaining
- Airport Cannot Have Unreasonable Surpluses

Airport Funding Sources - I

- Airport Revenue
 - Landing Fees or Fuel Flowage Fees
 - Tenant Rents
 - Concession Fees
 - Parking Fees
 - Access Fees (Passenger Vehicles and Ground Transportation)
 - On-Airport Permit Fees

Airport Funding Sources - II

- Airport Improvement Program (AIP) Grants
 - Entitlements and Discretionary
- Airport Bonds (General Airport Revenue Bonds and Special Facility Bonds)
- Passenger Facility Charges (PFCs)
 - \$3.00/Ticket
 - \$4.50/Ticket
 - Possibly \$7.00/Ticket
- State and Local Government Contributions

Airport Rates and Charges Financing Models

- Compensatory
- Residual
- Hybrid

5 Principles

- 1. Local Negotiations
- 2. Fair and Reasonable
- 3. Non-Discriminatory
- 4. Maintain Self-Sufficiency
- 5. Eligible Expenses

<u>Airport Proprietor – Airside Obligations</u>

- Runway Construction
- Runway Maintenance
- Runway Clearance
- Height Restrictions
- Taxiway Maintenance
- Fencing
- Security Area Access
- · Fire-Fighting and Police Enforcement
- Airport Layout Plan

<u>Airport Proprietor – Landside and Terminal</u> <u>Obligations and Responsibilities</u>

- Roadway Construction, Maintenance and Traffic Management
- Compliance With Height Restrictions
- Terminal Building Construction, Operations and Maintenance
- Ground Transportation (Taxis, Shuttles, Courtesy Vans, Rental Cars, Limousines, People Mover/Train)
- Food and Beverage Concessions
- Newspaper, Magazine and Book Concessions
- Gift Shops
- Parking Lots/Garages
- Airport Layout Plan

Airport Security

- Changing Relationships
 - Airport Proprietor
 - TSA
 - Law Enforcement Organizations
 - Other DHS Operations
- Airport Obligations Regarding Security
 - Security Plan
 - Perimeter Fencing
 - Access to Secured Areas
 - Badging and Identification
 - Roadway Management
 - Presence at Passenger Screening Sites
 - Crisis Employment Team
 - Interoperable Communications and Surveillance Devices

Airport Security Trends

- Passenger Pre-Flight Vetting (Not Airport Obligation)
- Passenger Segregation (Registererd Traveler Program)
- Biometrics
 - Fingerprinting
 - Full Body Scans
- Search and Seizures (4th Amendment)
- Security Congestion (Travel Disincentives)
- Increased Emphasis on Cargo Security

Airport Environmental Issues

- Noise Liability; Noise Management
- Air Emissions From Aircraft and Ground Vehicles
- Ground Water Contamination and Spill Prevention and Containment
- Interaction with EPA and TCEQ National Environmental Policy Act (NEPA) Compliance

Miscellaneous Airport Legal Issues

- First Amendment Issues (Free Speech and Press)
- Fourth Amendment Issues (Search and Seizure)
- Airport Access Issues
- Disadvantaged Business Enterprises (DBEs)
- Airport Airside and Landside Congestion
- Air Carrier and Airport Tenant Bankruptcies

Airport Lawyer Resources

- FAA and TSA Home Pages
- American Association of Airport Executives (AAAE) Membership
 - Airport Law Seminars
 - Bi-Monthly Airport Report
- Airport Council International North America (ACI-NA)
 - Airport Law Seminars
 - General Counsel E-Mails
- Major City Newspapers on Internet
- Major City Homepages
- Airport Boutique Law Firms (Major Airports: with Washington D.C. Capabilities)
- TML Connect News Service